

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4232 of 2006

Dated:14.09.2006

Between:

Mohd.Ashfaq Ali Khan.

...Petitioner

and

The Chief Executive Officer and another.

...Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4232 of 2006

ORDER:

The petitioner filed the present Writ Petition challenging the order dated 18.02.2006 issued by the first respondent appointing the Managing Committee of Masjid-Rahmath-UI-Alameen situated at Engine Bowli, Falaknuma, Hyderabad. By the said order made under Section 18 of the Wakf Act, 1995 (for short 'the Act'), nine persons were appointed including the second respondent herein as Secretary of the Managing Committee. It is the case of the petitioner that his father was the Secretary of Masjid-a-Ghana Farosh Society, Shamshergunj, Hyderabad, which was registered under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 Fasli. His father filed a suit against the encroachers of the Mosque property in which he succeeded, that his father spent funds and constructed the Mosque and mulgies and acted as Secretary throughout his life. After the death of his father the Mosque-a-Ghana Farosh was renamed as Mosque-Rahmath-UI-Alameen, which is a private Mosque. He allegedly made a representation on 03.01.2006 to the first respondent seeking redressal in the matter of problems faced by the Mosque. Without taking any action, the first respondent passed the impugned order.

In support of the Writ Petition it is urged that the Committee, under impugned order, appointed the local M.L.A as its President who played active role in the first respondent passing the impugned order. Except this, no other substantial ground is urged in support of the Writ Petition.

The matter is coming up for admission before this Court from 06.03.2006. The matter has been listed thereafter at least on three occasions. Today when the matter is called, none appears and the learned Counsel for the petitioner is absent. This Court heard the learned Counsel for the first respondent as well as the learned Counsel for the second respondent. They point out that if the petitioner is aggrieved by the impugned proceedings of the first respondent appointing the Managing Committee under Section 18 of the Act, he has an effective alternative remedy under Section 83 of the Act. Therefore, this Court is of considered opinion that the remedy under Section 83 of the Act is an effective and alternative remedy and the petitioner may avail the said remedy.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

14.09.2006

vs